

REMARKS

In the November 29, 2006 Office Action, Applicants' election of Group III is acknowledged, and claims 1-38 are withdrawn as being directed to non-elected Groups I and II. Also in the Office Action, claim 58 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Additionally, the claims are rejected over prior art as follows: claims 39, 40, 42, 48, 53, and 63 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,174,245 to Martineau; claims 41 and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau; claims 43 and 50 are rejected as being unpatentable over Martineau in view of Advanced Elastomer Systems Product Page; claims 44, 45, 47, 57, 58, and 60-62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0021869 to Bishay et al.; claims 54-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of U.S. Patent No. 6,662,820 to Rowley; claims 52 and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of Bishay et al.; and claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay et al. in view of Martineau and further in view of Rowley.

By the present amendment, claims 39, 44, 53 and 58 are amended and new claim 65 is added. That leaves claims 39-45, 47-48, and 50-65 pending in the application with claims 39, 44 and 48 being independent (and claims 1-38 being withdrawn). Independent claim 39 is amended to clarify that the channel is formed with at least one lip positioned toward its opening to at least partially retain the flexible member in the channel, and independent claim 44 is amended to clarify that the support member is formed so that the first and second surfaces of the first and second portions are generally coplanar.

The rejections over prior art are respectfully traversed. In summary, neither Martineau nor Bishay et al., either alone or in combination, discloses, teaches, suggests or renders obvious a method for manufacturing a flexible carrier including the step of positioning at least a portion of a flexible member in a channel having at least one lip positioned toward an opening of the channel to at least partially retain the flexible member, as recited in independent claim 39, or a method of manufacturing a flexible support member including the step of disposing a second quantity of elastic material so that the surfaces of its first and second portions are generally coplanar, as recited in independent claim 44. The prior art also fails to teach a method for manufacturing a support member including the steps of positioning at least a portion of a first elongate flexible member in a first channel, and also positioning at least a portion of an elongate deformable a member in the first channel, as recited in independent claim 48. Each rejection is addressed in detail below.

Claim Rejections - 35 U.S.C. § 112

Claim 58 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete. In response, claim 58 is amended to clarify that the method includes the steps of positioning both a first link and a second link in the channel with a first portion of the second link in the channel being proximate to the first portion of the first link in the channel. In view of the amendment, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102

Claims 39, 40, 42, 48, 53 and 63 are rejected under 35 U.S.C. § 102(b) as being anticipated by Martineau. However, Martineau fails to disclose all of the claim limitations of either independent claim 39, as amended, or independent claim 48.

Independent claim 39, as amended, recites among other steps forming a first portion of the flexible carrier having a channel and positioning at least a portion of a flexible member in the channel having at least one lip positioned toward an opening of the channel to at least partially retain the flexible member in the channel. Martineau, in contrast, does not teach forming a lip positioned toward the opening of the channel. Martineau discloses a method of fabricating a flexible fuel tank that includes upper and lower halves 1 and 2, as seen in Figure 1. The method includes injecting an elastomer into a cavity formed between a core 3 and a stamp 5, as seen in Figure 3. The stamp 5 is removed and a rubber cord 4 is positioned in a peripheral depression 6, as seen in Figure 4A. No portion of the peripheral depression 6 includes a lip to at least partially retain the rubber cord 4 in the depression 6. Also, the peripheral depression 6 of Martineau cannot be both the channel and the lip of the claimed invention, as suggested in the Office Action.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the step of positioning at least a portion of the flexible member in the channel having at least one lip positioned toward an opening of the channel to at least partially retain the flexible member in the channel does not identically appear in Martineau. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

Therefore, because a channel with a lip is not identically found in Martineau, Martineau fails to anticipate independent claim 39.

Independent claim 48 recites among other steps forming a first channel, positioning at least a portion of a first elongate flexible member in the first channel, and positioning at least a portion of an elongate deformable member in the first channel. Martineau fails to teach or suggest positioning both a flexible member and a deformable member in a channel of a support member. Instead, Martineau teaches placing a *single* rubber cord 4 in the peripheral depression 6. No other cord is placed in the depression 6 and the single rubber cord 4 of Martineau cannot be both the flexible member and the deformable member of independent claim 48.

Therefore, because both an elongate flexible member and an elongate deformable member are not identically found in Martineau, Martineau fails to anticipate independent claim 48.

Dependent claims 40-43, 50-56, 63 and 64 are also allowable over Martineau for the same reasons discussed with respect to their independent claims 39 and 48. Moreover, those claims recite additional features not found in Martineau. For example, dependent claim 41 recites among other steps compressing at least a part of the first portion against the second mold assembly to seal the channel and contain the at least partially uncured second quantity of elastic material in the channel during curing of the second quantity of elastic material. Also, dependent claim 42 recites positioning at least a portion of a deformable member in the channel. Additionally, dependent claims 43 and 50 recite forming the portions of the flexible carrier from elastic materials having one of durometers from about 55 shore A to about 87 shore A and from about 40 shore D to about 50 shore D and from about 70 shore A to about 80 shore A. Dependent claim 53 recites that that the lip extends inwardly into the channel (as

seen in Figs. 35A-35C). Dependent claim 63 recites that the support member includes forming the first portion in a U shape with the first channel and the deformable member each having at least a generally similar U shape.

Accordingly, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) over Martineau.

Claim Rejections - 35 U.S.C. § 103

Claims 44, 45, 47, 57, 58, and 60-62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay et al. in view of Martineau. A prima facie case of obviousness has not been established because all of the claim limitations of independent 44, as amended, are not found in Bishay et al., Martineau, or any combination thereof.

Independent claim 44 recites a method for manufacturing a flexible support member including, among other steps, disposing a second quantity of elastic material in the channel to form a second portion of the support member so that the second surface of the second portion is at least generally coplanar with the first surface of the first portion. None of Bishay et al., Martineau, or any combination thereof teach disposing a second quantity of elastic material in the channel to form a second portion of the support member so that the second surface of the second portion is at least generally coplanar with the first surface of the first portion, as recited in independent claim 44 as amended.

Bishay et al. teaches a basic support member 220 that is formed with an upper portion 210, a cable channel 212, and a lower portion 211. However, Bishay et al. does not teach that the surfaces of the upper and lower portions 210 and 211 are generally coplanar. Instead, the upper and lower portions 210 and 211 rest on top of one another and therefore cannot be coplanar.

And Martineau fails to cure the deficiencies of Bishay et al. The first and second half shells 1 and 2 of Martineau are molded one on top of the other to form the tank. Thus, none of the surfaces of the shells 1 and 2 can be coplanar with respect to one another.

Therefore, neither Bishay et al. nor Martineau, or any combination thereof discloses forming the support member so that the surfaces of the first and second portions of the support member are generally coplanar, as recited in independent claim 44. Accordingly, Applicants request reconsideration and withdrawal of the rejection of independent claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Bishay et al. in view of Martineau.

Dependent claims 45, 47, and 57-62 are also allowable for the same reasons discussed above with respect to independent claim 44. Moreover, those claims recite additional features not found in the prior art. For example, dependent claim 47 recites injecting an elastic material having one of a durometer from about 55 Shore A to about 87 Shore A, from 40 Shore D to about 50 Shore D, and from about 70 Shore A to about 80 Shore A.

Also, dependent claim 60 recites that in the formation of the second portion of the support member the second quantity of elastic material is injected into the first channel. In contrast, the shells 1 and 2 of Martineau are merely molded onto one another with a void in between. And dependent claim 61 recites positioning at least a portion of a deformable member in the first channel. Bishay et al. fails to teach any type of deformable member, and Martineau teaches only a single rubber cord 4.

Claims 41 and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau. However, as discussed above with respect to independent claim 39, Martineau fails to disclose all of the limitations of the claimed invention. Therefore, a prima facie case of obviousness has not been established with respect to dependent claims 41 and 51.

Applicants thus request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 41 and 51 over Martineau.

Claims 43 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of an Advanced Elastomer Systems Product Page. As outlined above with respect to independent claims 39 and 48, Martineau fails to disclose all of the claim limitations of either independent claim. And the Advanced Elastomer Systems Product Page fails to cure the deficiencies of Martineau. The product page is merely cited for teaching a thermal plastic elastomer that has a durometer of 50 Shore D. Therefore, a prima facie case of obviousness has not been established with respect to dependent claims 43 and 50 because all of the claim limitations of independent claims 39 and 48, respectively, are not found in Martineau, the Advanced Elastomer Systems Product Page, or a combination thereof. Accordingly, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 43 and 50.

Claims 54-56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of Rowley as outlined above, Martineau fails to disclose positioning at least a portion of a flexible member in the channel having at least one lip, as recited in independent claim 39. Rowley fails to cure the deficiencies of Martineau. Rowley is merely cited for teaching forming a plumbing connector. Therefore, a prima facie case of obviousness has not been established with respect to dependent claims 54-56. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 54-56 under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of Rowley.

Claims 52 and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of Bishay et al. As discussed above, Martineau fails to disclose all of the claim limitations of either independent claims 39 or 48. Also, Bishay et al. fails to cure the

deficiencies of Martineau. Therefore, even if Martineau and Bishay et al. could be combined, the combination fails to disclose all of the claim limitations of independent claims 39 and 48. Thus, a prima facie case of obviousness has not been established with respect to dependent claims 52 and 64. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) as being unpatentable over Martineau in view of Bishay et al.

Claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay et al. in view of Martineau and further in view of Rowley. As outlined above, neither Bishay et al. nor Martineau, or any combination thereof, teaches all of the claim limitations of independent claim 44. Also, Rowley fails to cure the deficiencies of Bishay et al. and Martineau. Therefore, a prima facie case of obviousness has not been established with respect to dependent claim 59. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claim 59 under 35 U.S.C. § 103(a) as being unpatentable over Bishay et al. in view of Martineau and further in view of Rowley.

New Claim 65

New dependent claim 65 recites that in the method of claim 44, the channel includes a lip to at least partially retain the flexible member. As discussed above with respect to claim 39, Martineau fails to teach, suggest or render obvious forming the channel with a lip. Moreover, the channel 212 of Bishay et al. does not include a lip. Accordingly, Applicants believe new claim 65 is allowable over the cited prior art.

In view of the foregoing, Applicants assert that claims 39-45, 47, 48, and 50-65 are in allowable condition. Prompt and favorable action is respectfully solicited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (000309-00257). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this report, Applicant hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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